THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 11486 of 2003

Oral order:

The petitioners, three in number, who are working as Senior Assistants Grade-I in Hindustan Cables Limited, initially filed the writ petition assailing the action of respondent Nos. 1 and 2 in not promoting them to the next higher posts of Officers from the date on which respondent Nos. 3 and 4 were promoted vide proceedings dated 10.02.2003 as illegal and arbitrary, and consequently to direct respondent Nos. 1 and 2 to give promotions to them as Officers on par with respondent Nos. 3 and 4.

Vide order dated 19.06.2003, this Court while admitting the writ petition, and pending disposal thereof, in W.P.M.P. No. 14307 of 2003 directed respondent Nos. 1 and 2 that the inter se seniority of the petitioners on the one hand and that of respondent Nos. 3 and 4 shall be on the basis of ranking assigned in the selection and not on the basis of the dates indicated from time to time.

Pursuant to the above interim order, respondent Nos. 1 and 2 issued proceedings dated 17.07.2003 stating that the case of the petitioners is not comparable with the cases of respondent Nos. 3 and 4 as they were selected for the posts of Personnel Officers. It was further stated that since interviews and selections to the posts of Commercial Officer/Personnel Officer/Accounts Officer were conducted separately, and as such, selection rankings were given separately for various posts. In view of the said proceedings, the petitioners filed W.P.M.P. No. 23377 of 2003 seeking amendment of the prayer in the writ petition to assailing the proceedings dated

17.07.2003 also.

Though Sri. Vedula Venkataramana entered appearance on behalf of respondent Nos. 1 and 2, no counter is filed nor is there any representation on their behalf when the matter was taken up on 09.03.2007 and even today. Despite service of notice, respondent Nos. 3 and 4 failed to enter their appearance.

In the absence of any counter filed either by respondent Nos. 1 and 2 or respondent Nos. 3 and 4 rebutting the stand taken by the petitioners in the writ petition, this Court has no other alternative, but to presume that the averments made by the petitioners in the affidavit filed in support of the writ petition are true and correct. Therefore, treating the averments made by the petitioners in the affidavit filed in support of the writ petition to be true and correct, I deem it appropriate to allow the writ petition with the amended prayer.

Hence, the writ petition with the amended prayer is allowed as prayed for. No costs.

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N.V. RAMANA, J.

Dated: 16th March, 2006.
KSR